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10/066,950	02/04/2002	Michael J. Wookey	P7229	4657

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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,950

Applicant(s)

WOOKEY ET AL.

Examiner

Dohm Chankong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 2-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1> This action is in response to Applicant's request for continued examination. Claims 1 and 28 are amended. Claims 29-31 are added.
- 2> Claims 1-15 and 28-31 are presented for further examination.

Response to Arguments

Claims 1, 2 and 6-15 rejected under Barry et al, U.S Patent 6,651,258

- 3> Applicant's arguments have been fully considered but they are not persuasive; Applicant's amendment does not patentably distinguish over the prior art references. Applicant amended claims 1 and 28 with the limitation that a service module is "separately segmented" from the services infrastructure.

Applicant emphasizes that Barry does not disclose a service module and an infrastructure that are separately segmented from one another. In so doing, Applicant asserts that Barry does not disclose that "client tier [as] being separately segmented from the other tiers of the system". Applicant's arguments, pg. 7:54 - pg. 8:51.

Applicant's argument in regards to Barry's tiers seems based entirely on a different interpretation of the word "segmented" within the context of the claimed invention. It is well established that claims are given the broadest reasonable interpretation in light of the disclosure. MPEP § 2111. Applicant's disclosure, however, merely restates the claim functionality that the service module is separately segmented from the services infrastructure and does not provide further guidance on the term's interpretation. Thus, as Applicant has

not further defined the term, the term is simply given its plain meaning, as it would be understood by one of ordinary skill in the art. MPEP § 2111.01(I).

The term “segment”, used as a verb, is defined simply as “divided into or made up of distinct segments.” <http://dictionary.reference.com/search?q=segmented>. Within the context of the claim, the Office interprets “segmented” as meaning that the service module is apart and distinct from the services infrastructure. Thus, to satisfy the claim, the reference must merely disclose a service module that provides a service, interacting with a separate and distinct element, the service infrastructure. This interpretation is consistent with and not contradictory to Applicant’s disclosure.

Barry discloses this interpretation of claim 1’s functionality. As discussed in the previous action, Barry discloses a services front-end, as represented by application modules, that are located on the client workstation [column 6 «lines 57-66»]. Separately apart and distinct from these client-side modules is the services infrastructure which is implemented at the server(s) [column 7 «lines 5-13»]. Thus, Barry discloses a service module, located on the client computer, and a services infrastructure, located on a plurality of servers; they are clearly separate elements, segmented from one another, but still interacting with the infrastructure to provide the customer the desired service.

If Applicant still disagrees with this interpretation of the claim, the Office respectfully requests clarification concerning Applicant’s interpretation of the term “segmented” and how it is distinguished from the Office’s interpretation in relation to Barry’s disclosure, where it is plainly disclosed that the service modules are located at the client and the infrastructure is located at the server.

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Claims 3-5 and 28 rejected under Barry, in view of other prior art references.

Applicant asserts that the combination of references do not disclose a service module separately segmented from a services infrastructure. The foregoing remarks addressed this argument.

Conclusion

Based on the foregoing remarks, Applicant's arguments are not deemed persuasive, and the rejections of claims 1-15 and 28 set forth in the final office action, filed 10.18.2005, are maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4> Claim 1-2, 6-15 are rejected under 35 U.S.C. 103(a) as being anticipated by Barry et al. (6,615,258)

5> In regards to claim 1, Barry et al. discloses a remote services architecture (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12) comprising:

- a remote services infrastructure (16, 18), the infrastructure controlling remote service delivery and providing remote services data management (col. 3 ll. 64-67, col. 4 ll. 1-2; 20-28, col. 7 ll. 5-12) ; and,
- a service module (20,12,10), the service module interacting with the remote services infrastructure to provide a specific service (col. 6 ll. 57-67, col. 7 ll. 35-56),
- the service module being segmented from the remote services infrastructure (fig. 1).

6> In regards to claim 2, Barry et al. discloses the remote services architecture of claim 1 (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12)

- wherein the service module (20,12,10) includes an administration and notification interface module for providing communication services to customers and service providers to control the remote services infrastructure (col. 3 ll. 42-65)

7> In regards to claim 6 Barry et al. discloses the remote services architecture of claim 1 wherein the remote services infrastructure includes an infrastructure services portion, the infrastructure services portion interacting with the service module, the infrastructure

services portion providing a standard interface for interacting with the service module (c 10 ll. 35-40.

8> In regards to claim 7, Barry et al. discloses the remote services architecture of claim 1 wherein the remote services infrastructure includes: an infrastructure communications portion, the infrastructure communications portion providing an abstraction of a protocol (HTTPS, Email, FTP col. 7 ll. 65-66, col. 8 ll. 1-24, col. 13 ll. 19-26, col. 17 ll. 45-63).

9> In regards to claim 8, Barry et al. discloses the remote services architecture of claim 7 wherein the abstraction of a protocol includes an abstraction of at least one of an HTTP protocol (col. 7 ll. 65-66, col. 8 ll. 1-24) and an email protocol (col. 13 ll. 19-26, col. 17 ll. 45-63)

10> In regards to claim 9, Barry et al. discloses the remote services architecture of claim 1 wherein the remote services infrastructure includes: an infrastructure communications portion, the infrastructure communications portion providing physical network communications (col. 3 ll. 46-51 fig. 2, col. 4 ll. 41-44, col. 17 ll. 45-63 i.e. intranet, internet, email).

11> In regards to claim 10, Barry et al discloses the remote services architecture of claim 9 wherein the physical network option includes at least one of Internet based communications (col. 3, ll. 42-51), private network (col. 3 ll. 34-41, ie intranet, extranet), based communications and fax communications (col. 17 ll. 44-63).

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12> In regards to claim 11, Barry et al. discloses the remote services architecture of claim 7 wherein the infrastructure communications portion supports a communications module (col. 4 ll. 35-35, col. 8 ll. 2-15, col. 8 ll. 1-10;39-53, fig. 23 e.g. encryption, authentication).

13> In regards to claim 12, Barry et al. discloses the remote services architecture of claim 11 wherein the communications module includes a communications authentication module, the communications authentication module providing a customer with authentication of a communication session (abs, col. 7 ll. 4-8. col. 15 ll. 13-15, col. 20 ll. 31-41)

14> In regards to claim 13, Barry et al. discloses the remote services architecture of claim 11 wherein the communications module includes an encryption module, the encryption module providing encryption of a data stream (col. 8 ll. 1-10,39-53).

15> In regards to claim 14, Barry et al. discloses the remote services architecture of claim 11 wherein the communications module includes a queuing module, the queuing module queuing data sent through the remote services infrastructure to provide data communications integrity (col. 7 ll. 66-67, col. 8 ll. 1-39, col. 10 ll. 13-26).

16> In regards to claim 15, Barry discloses, the remote services architecture of claim 11 wherein the communications module includes a prioritization module, the prioritization module prioritizing for delivery data within the remote services infrastructure (col. 59 ll. 61-67, col. 60 ll. 1-25 e.g. bandwidth, load balancing).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17> Claim 3, 4 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al. (6,615,258) in view of Conner et al. (US 6,816,882)

18> In regards to claim 3, Barry et al. discloses the remote services architecture of claim 1 (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12)

wherein the service module includes a registration (e.g. registering users, col. 18 ll. 30-35, col. 20 ll. 48-50) and change management (e.g. version management, application launch col. 7 ll. 35-56) module, the registration and change management module supporting the remote services infrastructure and any other service modules deployed on top of the infrastructure .

Barry does not explicitly disclose service module includes an installation module.

Conner et al. discloses:

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- wherein the service module includes an installation (col. 11 ll. 2-6, col. 12 ll. 60-63, col. 13 ll. 45-51 col., col. 17 lines 4-20; 26-31), registration (712, col. 13 ll. 20-26, col. 15 ll. 44-46) and change management (i.e. version management col. 9 lines 40-46) module, the installation, registration and change management module supporting the remote services infrastructure (fig. 4) and any other service modules deployed on top of the infrastructure (fig 7).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Barry et al. by having a service module (e.g. installation, registration, change management etc) to also include installation, and registration a modules, as taught by Conner et al. in order to provide the tools and services that support management of the complete lifecycle of a service from installation and configurations, to the monitoring of its operation characteristics such as availability and security to the controlled update of changes (col. 9 ll. 1-11).

19> In regards to claim 4, Barry et al. et al. discloses the remote services architecture of claim 1 (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12) as modified above wherein

- the service module includes an integration point into management platforms (col. 8 ll. 65-67, col. 15 ll. 55-61).

Barry et al. is silent on integration into system management platforms modules providing and integrations point into a systems management platform.

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20> Conner et al. disclose a service module include which include an integration into system management platforms module (412;712), the integration into system management platforms module providing an integration point to a systems management platform(col. 8 ll. 65-67, col. 15 ll. 55-61).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Barry et al. by service module includes an integration into system management platforms module, as taught by Conner et al. in order accommodate the unique management requirements of network computing across all elements of the system, including users, applications, services, infrastructure, and hardware. (col. 7 ll. 19-23, col. 8 ll. 65-67)

21> As to claim 28, as it is does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth in claims 1-4.

22> Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al. (6,615,258) in view of Shah et al. (US 6,243,451))

23> In regards to claim 5, Barry et al. discloses the remote services architecture of claim 1 above.

Barry et al. does not disclose wherein the service module includes an application program interface for service module creation module, the application program interface for

service module creation module providing an interface of abstracted services to a service module creator.

Shah et al. discloses when in the service module application program interface for service module creation module (e.g. service creation environment), the application program interface for service module creation module providing an interface of abstracted services (e.g. service definitions) to a service module creator (e.g. service management system) (col. 3 ll. 48-67, col. 13 ll. 49-64, col. 16 ll. 13-18)

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Barry et al. by having an application program interface for service module creation module, the application program interface for service module creation module providing an interface of abstracted services to a service module creator, as taught by Shah in order to have a flexible service system that provides customized services with minimal software programming (See Shah et al. , col. 2 -5)

24> Claims 29-31 are rejected under 35 U.S.C § 103(a) as being unpatentable over Barry.

25> As to claim 29, Barry discloses a remote services architecture comprising:

a remote services infrastructure, the remote services infrastructure controlling remote service delivery and providing remote services data management [abstract - "providing data management services" | column 3 «lines 34-63»], the remote services infrastructure including

a remote services proxy, the remote service proxy providing an application program interface to systems management systems [column 28 «lines 53-65»];

an intermediate mid level manager coupled to the remote services proxy, the intermediate mid level manager providing transaction integrity and data queue management [Figure 2 «item 30» | Figure 10 | Figure 16(b) | column 16 «lines 5-19»]; and

an application server providing persistent storage or remote services infrastructure information [column 4 «lines 44-54»]; and

a plurality of service modules coupled to the application server, the plurality of service modules interacting with the remote services infrastructure to provide a specific service, the plurality of service modules being segmented from the remote services infrastructure [Figure 2 : coupled to the application server through the web server | Figure 7 | column 4 «lines 3-13» | column 6 «line 55» to column 7 «line 4»].

Barry discloses mid level servers responsible for various data management and transaction functionality [column 9 «line 10» to column 10 «line 13»] but does not expressly disclose providing redundancy. However, redundancy is a well known principle in the art. One of ordinary skill in the art would have motivated to provide redundancy to the system to ensure data integrity. For example, Barry discloses providing redundancy to web servers [column 59 «lines 56-57»].

26> As to claim 30, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claims 2-4.

27> As to claim 31, Barry discloses a content generation mid level manager, the content generation mid level manager providing content based upon data held within the remote

services application server [Figure 2 «item 30» | column 21 «lines 25-56» : generating of reports].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

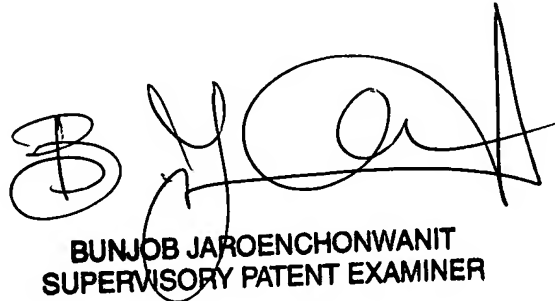
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



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SUPERVISORY PATENT EXAMINER